

By: White

H.B. No. 2158

A BILL TO BE ENTITLED

AN ACT

relating to certain programs and services for inmates and state jail felony defendants, including the creation of a work release program and the availability of peer support services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 493, Government Code, is amended by adding Sections 493.032 and 493.033 to read as follows:

Sec. 493.032. WORK RELEASE PROGRAM. (a) In this section, "work release program" means a program that allows inmates and state jail felony defendants to work at paid employment in the community while continuing to serve a term of confinement in a facility operated by or under contract with the department.

(b) The department shall establish a work release program at select state jail felony facilities that are located near urban areas of this state. Notwithstanding any other law, an inmate participating in a work release program may be housed in a state jail felony facility.

(c) The board shall adopt rules to implement and administer this section, including rules establishing:

(1) eligibility criteria for participation in a work release program;

(2) procedures for identifying inmates and state jail felony defendants who are eligible to participate in a work release program; and

1           (3) criteria for selecting work release program  
2 participants.

3           (d) The eligibility criteria established under Subsection  
4 (c)(1) must, at a minimum, provide that:

5           (1) an inmate is not eligible to participate in a work  
6 release program unless:

7                   (A) the inmate:

8                           (i) has a presumptive parole date, as that  
9 term is defined by Section 499.001, that is not more than two years  
10 from the date of the inmate's application to participate in the  
11 program; or

12                           (ii) is scheduled to be discharged, or will  
13 be eligible for release on mandatory supervision, on a date that is  
14 not more than two years from the date of the inmate's application to  
15 participate in the program;

16                   (B) the inmate has demonstrated good behavior and  
17 has not been the subject of any disciplinary actions during the  
18 period specified by board rule; and

19                   (C) the inmate has diligently participated in an  
20 educational, vocational, treatment, or work program during the  
21 period specified by board rule; and

22           (2) a state jail felony defendant is not eligible to  
23 participate in a work release program unless the defendant has:

24                   (A) demonstrated good behavior and has not been  
25 the subject of any disciplinary actions during the period specified  
26 by board rule; and

27                   (B) diligently participated in an educational,

vocational, treatment, or work program during the period specified by board rule.

(e) An employer of a work release program participant shall pay the participant's salary to the department. The department:

(1) shall deposit not less than 50 percent of the participant's net earnings during a pay period into a special fund to be given to the participant on the participant's discharge or release on parole or to mandatory supervision, as applicable; and

(2) may deduct from the participant's net earnings during a pay period as follows:

(A) not more than 25 percent of the earnings for the purpose of reimbursing the department for costs associated with the work release program, including transportation costs, costs of any additional security provided while the participant is in the community, and costs of any additional programming or services described by Subsection (f); and

(B) any amount from the remainder of the earnings as necessary to pay any court-ordered financial obligations of the participant, including child support or restitution to the victim of an offense committed by the participant.

(f) The department may provide additional programming and services to work release program participants, including reentry and reintegration services and access to peer support services as described by Section 493.033.

(g) In administering a work release program established under this section, the department shall work with the local business community to expand opportunities for future program

1 participants and shall give special consideration to businesses  
2 that pay a competitive wage and have a history of employing and  
3 retaining individuals who have criminal records.

4 (h) The department shall maintain a record of employment  
5 rates, retention rates, pay rates, and recidivism rates of current  
6 and former work release program participants and shall annually  
7 publish that information on the department's Internet website.

8 Sec. 493.033. AVAILABILITY OF PEER SUPPORT SERVICES. (a)  
9 The department shall adopt a policy to increase the availability of  
10 formal and informal peer support services, including certified peer  
11 specialist services, to a person confined in a facility operated by  
12 or under contract with the department, including a state jail  
13 felony facility, substance abuse felony punishment facility, or  
14 intermediate sanction facility.

15 (b) The policy adopted under Subsection (a) must:

16 (1) allow for persons who have previously been  
17 convicted of an offense, including releasees on parole or mandatory  
18 supervision and defendants on community supervision, to serve as  
19 certified peer specialists in a facility described by Subsection  
20 (a);

21 (2) specify the conditions under which a person  
22 described by Subdivision (1) may serve as a certified peer  
23 specialist; and

24 (3) allow for persons confined in a facility described  
25 by Subsection (a) to serve in a peer support role, provided that the  
26 persons are trained and supervised by a community-based  
27 organization described by Subsection (c).

1        (c) In implementing the policy adopted under Subsection  
2 (a), the department shall:

3            (1) collaborate with community-based organizations  
4 that provide peer specialist training, including training in any of  
5 the following peer support specialties:

6                    (A) certified peer specialist;  
7                    (B) certified peer reentry specialist;  
8                    (C) certified peer recovery specialist; or  
9                    (D) any other peer support specialty recognized  
10 by the Health and Human Services Commission; and

11            (2) encourage and assist persons described by  
12 Subsection (b)(3), with particular emphasis on persons who have  
13 been involved with programs or services relating to substance abuse  
14 or behavioral health, to participate in training described by  
15 Subdivision (1).

16        SECTION 2. Not later than September 1, 2020, the Texas  
17 Department of Criminal Justice shall:

18            (1) establish the work release program required by  
19 Section 493.032, Government Code, as added by this Act; and

20            (2) adopt and implement the policy required by Section  
21 493.033, Government Code, as added by this Act.

22        SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2019.